

**METROPOLITAN DEVELOPMENT COMMISSION
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**REGIONAL CENTER ZONING ORDINANCE
OF
MARION COUNTY, INDIANA**

Printed: February, 1983
Department of Metropolitan Development
Division of Development Services

CITY-COUNTY GENERAL ORDINANCE NO: 13
METROPOLITAN DEVELOPMENT COMMISSION
DOCKET NUMBER: 82-AO-3

AN ORDINANCE to amend Marion County Council Ordinance No. 8-1957, as amended, the Zoning Ordinance for Marion County, Indiana, and fixing a time when the same shall take effect.

REGIONAL CENTER
ZONING ORDINANCE
OF
MARION COUNTY, INDIANA

WHEREAS, Indiana Code Sec. 36-7-4 establishes a single planning and zoning authority in counties having consolidated cities and grants certain powers relative to the zoning and districting of land to the Metropolitan Development Commission and City-County Council of such counties having consolidated cities, in order to unify the planning and zoning functions thereof;

WHEREAS, the Metropolitan Development Commission of Marion County, Indiana, has adopted and certified, pursuant to Indiana Code Sec. 36-7-4, various segments of its ORIGINAL COMPREHENSIVE OR MASTER PLAN OF MARION COUNTY, INDIANA, including the REGIONAL CENTER PLAN FOR INDIANAPOLIS, MARION COUNTY, INDIANA, adopted by Commission Resolution 82-CPSR-4, April 15, 1982, AND THE NORTH MERIDIAN STREET CORRIDOR DEVELOPMENT PLAN ADOPTED BY COMMISSION RESOLUTION 82-CPS-R-1, JANUARY 6, 1982.

WHEREAS, said Indiana Code Sec. 36-7-4 empowers the Metropolitan Development Commission of Marion County, Indiana, after such comprehensive plan certification, to recommend to the City-County Council an ordinance or ordinances for the zoning or districting of all lands within the County for the purpose of securing adequate light, air, convenience of access, and safety from fire, flood and other danger; lessening or avoiding congestion in the public way; promoting the public health, safety, comfort, morals, convenience, and general public welfare; and preserving property values.

WHEREAS, said REGIONAL CENTER PLAN FOR INDIANAPOLIS, MARION COUNTY, INDIANA, and the NORTH MERIDIAN STREET CORRIDOR DEVELOPMENT PLAN provides for the encouragement of the development of and revitalization of the downtown area and promotes energy efficiency by means of the availability of mass transit and the central proximity of residential districts.

WHEREAS, the areas within the REGIONAL CENTER PLAN FOR INDIANAPOLIS, MARION COUNTY, INDIANA, and the NORTH MERIDIAN STREET CORRIDOR DEVELOPMENT PLAN, are areas with special or unusual development problems or needs for compatibility, as identified in the REGIONAL CENTER PLAN and the NORTH MERIDIAN STREET CORRIDOR PLAN, in which it is required that the Metropolitan Development Commission approve development plans for consistency with adopted Comprehensive Plans for such areas;

WHEREAS, the REGIONAL CENTER PLAN FOR INDIANAPOLIS, MARION COUNTY, INDIANA, and the NORTH MERIDIAN STREET CORRIDOR DEVELOPMENT PLAN, advance the general welfare through encouragement of orderly and proper land use which promotes the downtown area of the City of Indianapolis as a center for trade, finance, and government;

WHEREAS, certain uses and development existing within the REGIONAL CENTER and NORTH MERIDIAN STREET CORRIDOR are inconsistent with the REGIONAL CENTER PLAN FOR MARION COUNTY, INDIANA and the NORTH MERIDIAN STREET CORRIDOR DEVELOPMENT PLAN and as such, preclude orderly and proper land use from occurring, diminish property values in the area, and prevent development and revitalization of the area;

WHEREAS, the general welfare of the public is promoted by the REGIONAL CENTER PLAN FOR INDIANAPOLIS, MARION COUNTY, INDIANA, and the NORTH MERIDIAN STREET CORRIDOR DEVELOPMENT PLAN, through its improvement of the appearance of the downtown area and the creation of an atmosphere supportive of Regional Center functions;

NOW, THEREFORE, BE IT ORDAINED by the City-County Council of the consolidated City of Indianapolis and of Marion County, Indiana, that Marion County Council Ordinance No. 8-1957, adopted by the Marion County Council on March 28, 1957, and subsequently amended and all zoning ordinances adopted as parts thereof, as amended, be further amended as follows:

CHAPTER I

SECTION 1.00 REGIONAL CENTER AND NORTH MERIDIAN STREET CORRIDOR - ADDITIONAL STANDARDS AND REQUIREMENTS FOR USE AND DEVELOPMENT.

- A. All uses permitted by the various ZONING DISTRICTS applicable to land located within the REGIONAL CENTER and the NORTH MERIDIAN STREET CORRIDOR of Indianapolis, Marion County, Indiana, as said REGIONAL CENTER and NORTH MERIDIAN STREET CORRIDOR area is shown on the attached REGIONAL CENTER and NORTH MERIDIAN STREET CORRIDOR Secondary Zoning District (which MAP is incorporated herein by reference and made a part of this ordinance) shall be subject to the following additional standards and requirements:

All uses of land located within the REGIONAL CENTER and the NORTH MERIDIAN STREET CORRIDOR of Indianapolis, Marion County, Indiana, shall be subject to the Metropolitan Development Commission's approval as included within a required site and development plan approved as hereinafter provided. Provided, however, the SALES OF BEVERAGES, FLOWERS AND FOOD FROM CARTS ON SIDEWALKS AND PUBLIC AREAS shall be approved in accordance with Article XXIII, Chapter 17 of the Code of Indianapolis and Marion County, Indiana and shall not be subject to the provisions of this ordinance.

1. Requirement of Metropolitan Development Commission Approval

- a. Existing Uses - All existing uses, except those uses identified in the amortization section (Section 1.00A2d), lawfully in existence on the date of adoption of this ordinance shall be exempt from the provisions of this ordinance, however the alteration, modification, enlargement or improvement to any existing use, or the change in use within an existing structure, which requires an Improvement Location Permit shall also require the Metropolitan Development Commission approval.
- b. New Uses - No new use, building, improvement, or structure shall be established after the effective date of this ordinance until the proposed use, site and development plan, have been filed with and approved by the Metropolitan Development Commission.
- c. Filing The Site and Development Plan - All new uses, and changes to existing uses shall file a request for approval of the proposed changes.

Upon the filing of such approval request, the Administrator of the Division of Planning and Zoning of the Department of Metropolitan Development, on behalf of the Metropolitan Development Commission, shall consider and either approve, disapprove, or approve subject to any conditions, amendments, commitments or covenants by the petitioner, the proposed use, site and development plan. Public and individual notice of such filing and action by the Administrator shall not be required.

The action of the Administrator upon such approval request shall be subject to the filing of an appeal, within ten (10) days, by any aggrieved person to the Metropolitan Development Commission.

The Metropolitan Development Commission may consider and act upon such appeal of the action of the Administrator at any public meeting of the Commission and shall either approve, disapprove, or approve the use, site and development plan subject to any conditions, amendments, commitments, or covenants by the petitioner. The petitioner or appellant, if on appeal, shall have the right to be heard.

Provided, however, rezoning of any land within the REGIONAL CENTER, or NORTH MERIDIAN CORRIDOR from the PRIMARY ZONING DISTRICT classification applicable thereto to any other ZONING DISTRICT classification shall require notice as provided by statute and the Rules of Procedure of the Metropolitan Development Commission.

2. Standards and Requirements for Site and Development Plan, Uses and Structures

- a. The required site and development plan, drawn to scale, including building and structural plans, shall indicate, where applicable:
 - (1) Existing uses, buildings and structures, noting those to remain and, including a description of construction materials and exterior colors.
 - (2) Proposed buildings and structures, including a description of materials and colors.
 - (3) Elevation drawing of proposed buildings and structures.
 - (4) Off-street parking design and internal traffic pattern.
 - (5) Vehicular entrances, exits, and turn-off lanes.
 - (6) Building setbacks.
 - (7) Landscaping plan showing names, sizes at planting, spacing, and quantity of materials.
 - (8) Screens, walls, fences, including a description of materials and colors.
 - (9) Signs, including location, size, elevation, color and design thereof.
 - (10) Utilities, if above ground facilities are needed.
 - (11) Pedestrian ways below, at, or above grade.
 - (12) All other requirements of Section 1.B. of the Improvement Location Permit Ordinance (71-AO-1, as amended).
- b. Details of such a development, including use, signage, building facade treatment, street furnishings and landscaping within the right-of-way, landscape treatment on the site, development intensity and massing of structure shall be so designed to:
 - (1) be in conformity with the REGIONAL CENTER PLAN FOR INDIANAPOLIS, MARION COUNTY, INDIANA, and the NORTH MERIDIAN STREET CORRIDOR DEVELOPMENT PLAN, adopted by the Metropolitan Development Commission's Resolution 82-CPS-R-4, April 15, 1982, 82-CPS-R-1, January 6, 1982; and,
 - (2) create a superior land development plan, in conformity with the Comprehensive Plan for Marion County, Indiana;
 - (3) create and maintain a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the REGIONAL CENTER, THE NORTH MERIDIAN CORRIDOR, applicable ZONING DISTRICT and with adjacent uses;
 - (4) provide adequate access, parking and loading areas;
 - (5) provide adequate on-site vehicular circulation integrated with traffic control and existing and planned public streets in the vicinity;
 - (6) provide adequately for sanitation, drainage and public utilities;

- (7) allocate adequate sites for all uses proposed -- the design, character, grade, location, and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions;
 - (8) create and maintain clear sight lines which enhance the views of parks and landmarks in the REGIONAL CENTER and NORTH MERIDIAN STREET CORRIDOR for pedestrians and motorists;
 - (9) be compatible in construction material, scale, color and pattern with the existing environment.
- c. Uses and structures within the NORTH MERIDIAN STREET CORRIDOR shall further be in accordance with the following use restrictions and development standards:
- (1) The following uses, whether existing or proposed, are not permitted and any existing uses listed below are subject to removal in accordance with the amortization section (Section 1.00A2d).
 - (a) CLASS I REGULATED COMMERCIAL USES, including AMUSEMENT ARCADES, MASSAGE PARLOR SERVICE OR FACILITY, ADULT BOOKSTORE, ADULT THEATER, ADULT AMUSEMENT, RECREATION OR ENTERTAINMENT CENTER OR FACILITY, as defined and regulated by the Commercial Special Exceptions Ordinance of Marion County, Indiana (76-AO-2).
 - (2) The following uses seeking to located within the NORTH MERIDIAN STREET CORRIDOR after the effective date of this ordinance shall not be permitted. Any of the following uses lawfully in existence on the date of this ordinance shall be permitted to remain.
 - (a) PAWN SHOPS, LOAN SHOPS, AND VARIETY STORES.
 - (b) GASOLINE SERVICE STATIONS on any lot with frontage on Meridian Street.
 - (c) USED CAR SALES, except as an accessory use to new car sales.
 - (d) CAR WASH COMPLETELY INDOORS, SELF SERVICE CAR WASH, AUTOMATIC OR SEMI AUTOMATIC CAR WASH.
 - (e) PACKAGE LIQUOR STORE except as a part of an integrated commercial center.
 - (f) DRIVE-IN RESTAURANT (FAST FOOD RESTAURANT) except as a part of an integrated commercial center. Drive-in restaurant is defined by the Commercial Zoning Ordinance (69-AO-1).
 - (g) INDOOR COMMERCIAL AMUSEMENT, RECREATION AND ENTERTAINMENT including:
 - BOWLING ALLEY, BILLIARD PARLOR, GYMNASIUM, TENNIS FACILITY, ROLLER OR ICE SKATING RINK, NIGHT CLUB, PRIVATE CLUB, OR LOUNGE on any lot fronting on Meridian Street except as a part of an integrated commercial center or as an accessory use to an office, hotel, or apartment complex.

- (3) All development standards as required by the ZONING DISTRICT shall be applicable in the NORTH MERIDIAN STREET CORRIDOR except as modified by this section.

(a) REQUIRED FRONT YARD, MINIMUM SETBACK

Buildings and structures shall be located along the established front setback line (as defined in Section 2.00A2 of the Commercial Zoning Ordinance of Marion County, 69-AO-1, as amended).

(b) USE OF REQUIRED YARDS

Off-street parking shall not be permitted in any required front yard.

(c) SCREENING AND LANDSCAPING OF REQUIRED FRONT YARDS

- (i) Front yards shall be landscaped in an open pattern, in grass and shrubbery, trees and/or hedge to provide a partial screening of the commercial use. An ornamental, decorative fence or masonry wall, not more than two-and-one-half (2-1/2) feet in height if solid, or six (6) feet if open, may be used in conjunction with the landscaping. Chain link fence may not be used in conjunction with landscaping in required front yards.

Provided, however, along any portion of a lot where parking exists or is proposed in front or at the side of a structure, there shall be provided and maintained along the front line of the parking area a buffer screen of either:

Architectural Screen - a wall or fence of ornamental block, brick, solid wood fencing, or combination thereof. Said wall or fence shall be at least forty-two (42) inches in height and shall be so constructed to such minimum height to restrict any view therethrough, or

Plant Material Screen - a compact hedge of evergreen or deciduous shrubs, at least 36 inches in height at the time of planting.

The ground area between such wall, fence or hedge and the front lot line shall be planted and maintained in grass, other suitable ground cover, shrubbery and/or grass. All shrubs and trees shall be planted balled and burlapped and shall meet the standards of the American Association of Nurserymen, (a copy of which is on file in the office of the Division of Planning and Zoning, Department of Metropolitan Development of Marion County, Indiana, and is hereby incorporated by reference and made a part hereof).

(ii) Minimum Maintenance Standards for Screening and Landscaping Area:

- All trash containers/dumpsters shall be screened from frontage views.
- Equipment and supplies such as tires, parts, machinery, tools and the like shall be screened or stored in an enclosed space.
- Inoperable vehicles and any related parts shall be screened or stored in an enclosed space.
- All lawns; required front, rear and side yards shall be regularly mowed during growing season, and shall be free of weeds, trash, and litter at all times.

- Shrubbery, trees, ground cover and planting beds shall be maintained in a safe, functional, and aesthetic condition.
 - Walks, steps, drives and parking lots including surfaces and edges shall be maintained in a safe, functional and clean condition. Chuckholes, in parking lots, broken curbs and crumbling sidewalks shall be repaired to original condition.
 - Building exteriors including awnings, porches, hardware and windows shall be properly maintained, kept clean, painted and in good repair.
 - All existing and proposed uses shall comply with these maintenance standards after the effective date of this ordinance.
- (iii) All existing uses and all new uses shall be required to meet the screening and landscaping provisions of this section as stipulated in the amortization provisions of this ordinance (Section 1.00A2d).

(d) SIGNS

(i) BUSINESS SIGNS

Business signs shall comply with the sign regulations of Ordinance 71-AO-4, SIGN REGULATIONS of Marion County, Indiana, and be further modified by the following:

- (a) Business signs within the North Meridian Street Corridor shall be limited to wall signs, ground signs, pole signs and projection signs.
- Pole signs shall not exceed 36 square feet per sign face.
 - Ground signs shall not exceed 36 square feet per sign face.
 - Projecting signs shall not exceed 18 square feet per sign face.
- (b) All existing business signs and all new business signs within the North Meridian Street Corridor shall be required to meet the provisions of this section and the amortization provisions of Section 1.00A2d of this ordinance.

(ii) ADVERTISING SIGNS

Advertising signs shall be permitted and shall comply with the sign regulations of Ordinance 71-AO-4 SIGN REGULATIONS of Marion County, Indiana.

- (iii) All existing signs and all proposed signs within the NORTH MERIDIAN STREET CORRIDOR shall be required to meet the provisions of this section and the amortization provisions of this ordinance (Section 1.00A2d).

d. AMORTIZATION PROVISIONS - Amortization of certain non-conforming uses and amortization of certain non-conforming site development requirements.

(1) Uses to be amortized

ALL CLASS I REGULATED COMMERCIAL USES including AMUSEMENT ARCADES, MASSAGE PARLOR SERVICE OR FACILITY, ADULT BOOKSTORE, ADULT THEATER, ADULT AMUSEMENT, RECREATION OR ENTERTAIN-

MENT CENTER OR FACILITY as defined and regulated by the Commercial Special Exceptions Ordinance of Marion County, Indiana (76-AO-2) where said uses are located within the NORTH MERIDIAN STREET CORRIDOR on the effective date of this ordinance.

- (a) Such non-conforming uses shall be terminated before January 1, 1990, and all other use of the land, structure, or premises thereafter shall be in accord with permitted land uses and regulations of the applicable ZONING DISTRICT and the REGIONAL CENTER SECONDARY ZONING DISTRICT. The termination of such non-conforming uses shall be accomplished without the payment of compensation therefor unless, on the date such termination is required, there is in effect a state statutory provision which specifically requires the payment of compensation for termination or removal of any such use.

(2) Amortization of certain non-conforming site development requirements

All property within the NORTH MERIDIAN STREET CORRIDOR existing within any ZONING DISTRICT on the effective date of this ordinance:

- (a) Shall conform to the following sections of this ordinance before January 1, 1990:

USE OF REQUIRED YARDS (Section 1.00A2c (3) (b))

SCREENING AND LANDSCAPING OF REQUIRED YARDS
(Section 1.00A2c (3) (c)), and

BUSINESS SIGNS (Section 1.00A2c (3) (d))

- (b) Such non-conforming use of required yards, screening and landscaping of required yards, and business signs shall be in accordance with permitted land uses and regulations of the applicable ZONING DISTRICT and the REGIONAL CENTER SECONDARY zoning DISTRICT OF MARION COUNTY upon such date. The termination of such non-conforming standards or uses shall be accomplished without the payment of compensation therefor unless, on the date such termination is required, there is in effect a State statutory provision which specifically requires the payment of compensation for the termination or removal of any such use.

- B. No use, building, improvement or structure shall be established, constructed, altered, refurbished, remodeled or used within the REGIONAL CENTER of Indianapolis, Marion County, Indiana, without an Improvement Location Permit, and said permit shall not be issued until the proposed use, site and development plan, including the proposed plans for such building, structure or improvement shall have been approved in accordance with Section 1.00A.

Applications for an Improvement Location Permit shall be made upon Department of Metropolitan Development forms and shall include all information specified by such forms. Applications for an Improvement Location Permit for uses, buildings, improvement or structures approved in accordance with Section 1.00 A, shall be filed within one (1) year of the grant of such approval, and the permit obtained -- excepting, however, the Administrator of the Division of Planning and Zoning may upon good cause shown, grant extensions of such one-year period, not to exceed 180 days thereafter.

CHAPTER II

SECTION 1.00 SEVERABILITY

If any section, subsection, paragraph, subparagraph, clause, phrase, word, provision, or portion of this ordinance shall be held to be unconstitutional or invalid by any court of competent jurisdiction, such holding or decision shall not affect or impair the validity of this ordinance as a whole or any part thereof, other than the section, subsection, paragraph, subparagraph, clause, phrase, word, provision or portion so held to be unconstitutional or invalid.

NOW BE IT FURTHER ORDAINED that this ordinance shall be in full force and effect from and after this date.

DATED: January 31, 1983

CITY-COUNTY COUNCIL OF INDIANAPOLIS
AND OF MARION COUNTY, INDIANA

ATTEST: Beverly Rippey

Beurt SerVaas

President (or Presiding Officer)